

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

|                                |   |                                   |
|--------------------------------|---|-----------------------------------|
| In re:                         | ) |                                   |
|                                | ) |                                   |
| HASSAN M. AHMAD                | ) | Case No. 14-14380-RGM             |
|                                | ) | Chapter 13                        |
| _____                          | ) |                                   |
|                                | ) |                                   |
| SHAMSIYA SHERVANI              | ) |                                   |
|                                | ) |                                   |
| Plaintiff                      | ) |                                   |
|                                | ) |                                   |
| vs.                            | ) | Adversary Proceeding No. 15-01001 |
|                                | ) |                                   |
| HASSAN M. AHMAD, <i>et al.</i> | ) |                                   |
|                                | ) |                                   |
| Defendants                     | ) |                                   |
| _____                          | ) |                                   |

**MOTION TO STRIKE DEFENDANT’S MOTION TO DISMISS**  
**OR FOR A MORE DEFINITIVE STATEMENT**

COMES NOW the Plaintiff, Shamsiya Shervani, by counsel, and moves this Court to strike the Motion to Dismiss Adversary Proceeding, or in the Alternative, Motion to Provide a More Definitive Statement (“Motion to Dismiss”), filed herein by purported counsel for the Debtor/Defendant, Hasan M. Ahmad (“Debtor”) and as grounds therefore, states as follows:

1. The subject Motion to Dismiss was filed on January 21, 2014 by a law firm who stated that they were filing as counsel for the Debtor.
2. Debtor filed this Chapter 13 on November 24, 2014, the reason for the filing being the impending trial of a legal malpractice case against the Debtor which was then pending in the Circuit Court of Fairfax County.

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3. The instant adversary proceeding was filed on January 3, 2015.

4. The Clerk of this Court issued its Summons and Notice in an Adversary Proceeding on January 6, 2015, which Summons advised the Debtor that he had until February 5, 2015 to file a response to the subject Complaint.

5. On January 21, 2015, Debtor filed an Application to Employ counsel and set the matter for hearing on February 11, 2015. The application failed to comply in any material respects with the requirements of Bankruptcy Rule 2014.

6. On January 30, 2015, the Chapter 13 Trustee filed his Response to the Application to Employ, objecting to the same and noting its failure to comply with Bankruptcy Rule 2014.

7. On February 3<sup>rd</sup>, Plaintiff filed her objection to the Application to Employ.

8. On the same day, February 3, 2015, the subject Motion to Dismiss was purportedly filed on behalf of the Debtor by counsel. At the time of the filing, no Order authorizing the employment of counsel had been entered; moreover, given the failure of the Debtor to comply with the requirements of Bankruptcy Rule 2014 with regard to his Application to Employ, it was clear that the pending application would be denied.

9. A hearing was held on the Application to Employ on February 11<sup>th</sup>, at which time the Application was denied; an order to that effect was entered on the docket on February 18, 2015.

10. As of the date and time this Motion to Strike is being filed, the Debtor has not filed another Application to Employ, nor has any order been entered authorizing the employment of counsel for the Debtor.

11. The Motion to Dismiss, being filed on behalf of the Debtor by a third party who is not authorized to serve as Debtor's counsel, is a nullity.

WHEREFORE, the Plaintiff, Shamsiya F. Shervani, prays that the Motion to Dismiss filed herein purportedly on behalf of the Defendant, Hassan M. Ahmad, be dismissed; for her costs expended herein, including reasonable attorney's fees; and for such other and further relief as to this Court seems just and proper.

**Shamsiya F. Shervani, Plaintiff**  
*By Counsel*

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By: /s/ Robert L. Vaughn, Jr.  
Robert L. Vaughn, Jr., VSB 20633  
*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 20, 2015, I caused a true copy of this Motion to Strike to be served on all parties of record via the Court's ECF filing system and have mailed copies to:

Hassan M. Ahmad  
20620 Sutherlin Place  
Sterling, VA 20165

Thomas P. Gorman, Trustee  
300 North Washington Street  
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/s/ Robert L. Vaughn, Jr.  
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